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# HOUSE BILL No. 1567

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-13.

**Synopsis:** Tort and civil rights claims. Makes a governmental entity liable for punitive damages under the law concerning tort claims against governmental entities and public employees. Requires a governmental entity to pay any judgment, compromise, or settlement of a claim if a public employee is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the public employee's employment that violates the civil rights laws of the United States.

**Effective:** July 1, 2001.

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### Alderman

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January 11, 2001, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1567

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-13-3-4 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The combined  
3 aggregate liability of all governmental entities and of all public  
4 employees, acting within the scope of their employment and not  
5 excluded from liability under section 3 of this chapter, does not exceed  
6 three hundred thousand dollars (\$300,000) for injury to or death of one  
7 (1) person in any one (1) occurrence and does not exceed five million  
8 dollars (\$5,000,000) for injury to or death of all persons in that  
9 occurrence. A governmental entity is ~~not~~ liable for punitive damages.  
10 SECTION 2. IC 34-13-4-1 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. If a present or former  
12 public employee is or could be subject to personal civil liability for a  
13 loss occurring because of a noncriminal act or omission within the  
14 scope of the public employee's employment which violates the civil  
15 rights laws of the United States, the governmental entity shall, subject  
16 to IC 34-13-3-4, IC 34-13-3-14, IC 34-13-3-15, and IC 34-13-3-16, pay  
17 any judgment, compromise, or settlement of the claim. ~~or suit when:~~

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1           (1) the governor, in the case of a claim or suit against a state  
2           employee; or  
3           (2) the governing body of the political subdivision, in the case of  
4           a claim or suit against an employee of a political subdivision;  
5           determines that paying the judgment, compromise, or settlement is in  
6           the best interest of the governmental entity. The governmental entity  
7           shall also pay all costs and fees incurred by or on behalf of a public  
8           employee in defense of the claim or suit.

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